

COPY

OFFICE OF ATTORNEY GENERAL

September 8, 1975

Stuart P. Novell, Jr., Acting Director
Division of Mental Health
185 Pleasant Street
Concord, New Hampshire 03301

Dear Mr. Novell:

In light of our conversation this morning concerning the applicability of S.B. 1141 (1975 Laws, 242:1) to our letter to you dated August 29, 1975, it is the opinion of the Consumer Protection Division that the new statute is wholly consistent with the conclusion in that letter.

The statute provides that "no person shall be denied his right to vote because of his developmental disability or of any other mental health delivery system..." (emphasis added). The Consumer Protection Division of a person with that particular disability to participate in mental health facilities cannot vote. It is equally reasonable that some patients may not be competent to do so. A plain English interpretation of its language would permit the Division to advise you to determine on a case by case basis those patients who have the requisite mental capacity to understand the nature of political situations and to cast their vote in an intelligent manner.

If I can be of further assistance, please don't hesitate to write.

Very truly yours,

W. John Funk
Attorney
Consumer Protection Division

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cc: Colin Norberg, Esquire